

UNEMPLOYMENT COMPENSATION
BOARD OF REVIEW
Department of Labor and Industry
Commonwealth of Pennsylvania

UC-59 REV 5-09



APPEAL NUMBER 12-09-B-1472
DATE MAILED 3/20/2012
FINAL DATE TO
APPEAL 4/4/2012
SSN [REDACTED]

REFEREE'S DECISION/ORDER

CLAIMANT:

EMPLOYER

KENNETH E. HUDSON
[REDACTED]

INTEGRITY STAFFING SOLUTIONS INC
750 SHIPYARD DRIVE SUITE 300
WILMINGTON DE 19801

CLAIM:

FILED: 10/9/2011
DETERMINATION/S ISSUED: 2/15/2012 BY: ALLENTOWN UC SERVICE CENTER
CLAIMANT DETERMINED UNDER UC LAW: Eligible 402(e)
FOR WAITING WEEK ENDING: 1/7/2012
FOR COMPENSABLE WEEK/S ENDING:

APPEAL:

FILED: 2/23/2012 BY: Employer
HEARING HELD: 3/19/2012 IN: ALLENTOWN, PA
ATTENDED BY: Claimant, Employer

ENCLOSURE: A translation document UC-1627 is enclosed with this notice.**FINDINGS OF FACT:**

1. Claimant started working for Integrity Staffing Solutions Inc. on August 8, 2011 and was last employed as a receiver at Amazon on October 7, 2011. Claimant worked full-time and was paid \$11.50 per hour.
2. Claimant was advised there was a lack of work and he would be contacted when work was available.
3. On or around October 14, 2011, Claimant picked up his paycheck and inquired about the availability of work.
4. Claimant was informed Employer was composing a list of "high performers" and these employees would be called back first when work was available.
5. Claimant's home telephone number is 484-350-3427.
6. Employer's records lists Claimant's telephone number as 484-350-3247.

Claimant — KENNETH E HUDSON

Appeal — 12-09-B-1472

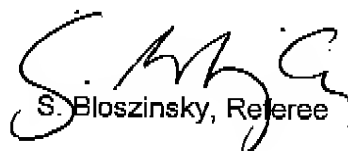
7. On or around October 21, 2011, Employer attempted to notify Claimant, by telephone, that work was available.
8. Claimant received no notification from Employer.
9. On or around October 30, 2011, Claimant was in a chat room on Employer's web site and learned work was available.
10. On or around October 31, 2011, Claimant reported to work and was advised he had been discharged because Employer had been unable to contact him.

ISSUE: Whether Employer has established that Claimant's separation from employment was the result of willful misconduct.

REASONING: Section 402(e) of the Law provides that a claimant shall be ineligible for benefits if claimant's discharge or temporary suspension from work is due to willful misconduct in connection with the work. Willful misconduct is defined as an act of wanton or willful disregard of the employer's interests, a deliberate violation of the employer's rules, or a disregard of the standards of behavior that the employer has a right to expect of an employee.

Claimant was separated from employment due to a lack of work and informed he would be contacted when work was available. Employer attempted to contact Claimant when work was available but because someone had transposed two digits of Claimant's telephone number, Employer did not have a valid number to reach Claimant. When Claimant learned from a web site that work was available, he reported for work and was discharged. Employer bears the burden of proving that a claimant engaged in willful misconduct for purposes of determining the claimant's eligibility for unemployment compensation. Employer has not met this burden and benefits are granted in accordance with the provisions of Section 402(e) of the Law.

ORDER: The determination of the Unemployment Compensation Service Center is **affirmed**. Claimant is **eligible** for benefits beginning with waiting week ending January 7, 2012.


S. Blaszinsky, Referee

th - 9110

Pursuant to the provisions of the Law, the above decision shall become final on the date it was mailed to the parties, unless any aggrieved party files a further appeal to the Pennsylvania Unemployment Compensation Board of Review within the fifteen (15) day appeal period.

The last date to file an appeal to this decision is 4/4/2012.

IF YOU WISH TO FILE A FURTHER APPEAL

You have the right to file a further appeal to this decision within fifteen (15) days of the date of mailing. Your appeal must include the following information: ► your name; ► the claimant's name and social security number; ► the date of the decision being appealed; ► the reason for appeal; ► the appeal number; ► your address. Under the provisions of Act 5 of 2005, you may file your own appeal, or your appeal may be filed by an attorney or by any other advocate of your choice.